

Soderberg Company, Inc.)	Departmental
Aroostook County)	Findings of Fact and Order
Unorganized Township T11 R4, Maine)	Air Emissions License
A-892-71-A-N		

After review of the air emission license application, staff investigation reports, and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 M.R.S.A., Section 344 and Section 590, the Department finds the following facts:

I. REGISTRATION

A. Introduction

Soderberg Company, Inc., of Caribou, Maine has applied for an Air Emission License, permitting the operation of a rock crusher and associated equipment at Hubert pit in Unorganized Township T11 R4, Maine.

B. Emission Equipment

Rock Crushers

<u>Designation</u>	<u>Powered By</u>	<u>Process rate (tons/hr)</u>	<u>Control Device</u>	<u>Date of Manufacture</u>
Crusher #2	diesel	75	water sprays	1996

Diesel Units

<u>Source ID</u>	<u>Maximum Capacity (MMBtu/hr)</u>	<u>Maximum Firing Rate (gal/hr)</u>	<u>Fuel Type, % Sulfur Content</u>	<u>Power Output (HP)</u>
Diesel #2	1.28	9.15	#2 Fuel Oil, 0.35%	110

C. Application Classification

The application for Soderberg Company, Inc. is classified as non-major based on the crusher plant emissions. The license is for a non-major source and has been processed as such.

II. BEST PRACTICAL TREATMENT

- A. In order to receive a license the applicant must control emissions from each unit to a level considered by the Department to represent Best Practical Treatment (BPT), as defined in Chapter 100 of the Bureau of Air Quality regulations.

BPT for existing emissions equipment means that method which controls or reduces emissions to the lowest possible level considering:

- the existing state of technology
- the effectiveness of available alternatives for reducing emissions from the source being considered; and
- the economic feasibility for the type of establishment involved.

BPT for new units requires a demonstration that emissions are receiving Best Available Control Technology (BACT), as defined in Chapter 100 of the Air Regulations. BACT is a top-down approach to selecting air emission controls considering economic, environmental and energy impacts.

B. Crusher #2

Crusher #2 is a portable crusher, manufactured in 1996, with a rated capacity of 75 tons per hour. Crusher #2 is therefore not subject to EPA New Source Performance Standards (NSPS) Subpart OOO for Nonmetallic Mineral Processing Plants manufactured after August 31, 1983, with capacities greater than 150 tons/hr for portable plants and greater than 25 tons/hr for non-portable plants.

The regulated pollutant from the rock crusher is particulate emissions. To meet the requirements of Best Available Control Technology (BACT) for control of particulate matter (PM) emissions from the rock crusher, Soderberg Company, Inc. shall maintain and operate water sprays on the rock crusher at the T11 R4 facility in such a manner as to control visible emissions to no greater than 10% opacity on a 6-minute block average basis.

C. Diesel #2

Soderberg Company, Inc. utilizes a John Deere 4039D diesel to provide power to Crusher #2. Diesel #2 is rated at 110 HP and shall fire diesel fuel oil with a sulfur content of no greater than 0.05% sulfur by weight.

A summary of the BACT analysis is as follows

1. BACT for diesel fuel oil is a sulfur content of 0.05% by weight;
2. BACT for diesel fuel oil for PM is 0.12 lb/MMBtu. PM₁₀ limits are based on PM limits;
3. NO_x, CO and VOC emission limits are based on AP-42 data dated 10/96;

4. Visible emissions from the diesel is subject to Chapter 101 of the Air Regulations and is as follows:

Visible emissions from each stack shall not exceed 30% opacity on a (6) six-minute block average except, for no more than 2 six-minute block averages in a 3-hour period.

D. Fugitive Emissions

Visible emissions from potential sources of fugitive particulate matter emissions, including material stockpiles and unpaved roadways, shall not exceed an opacity of 20%, except for no more than 5-minutes in any 1-hour period. Compliance shall be determined by an aggregate of the individual 15-second opacity observations which exceed 20% in any 1-hour.

E. Facility Emissions and Fuel Use Caps

Soderberg Company, Inc. shall be assessed fees based on the following annual emissions:

- Total annual facility fuel use for operation of the rock crusher, shall not exceed 15,000 gallons of #2 fuel oil per year based on a twelve-month rolling total.

<u>Pollutant</u>	<u>Tons/Year</u>
PM	0.9
PM ₁₀	0.9
SO ₂	0.4
NO _x	4.6
CO	1.0
VOC	0.4

III.AMBIENT AIR QUALITY ANALYSIS

According to Chapter 115 of the Maine Air Quality Regulations, the level of air quality analyses required for a minor source shall be determined on a case-by-case basis. Based on the information available in the file, and the similarity to existing sources, Maine Ambient Air Quality Standards (MAAQS) will not be violated by this source.

ORDER

Based on the above Findings and subject to conditions listed below the Department concludes that the emissions from this source:

- will receive Best Practical Treatment,
- will not violate applicable emission standards,
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-892-71-A-N, subject to the following conditions:

STANDARD CONDITIONS

- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions.
- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115.
- (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both.
- (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request.
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to 38 M.R.S.A. §353.
- (6) The license does not convey any property rights of any sort, or any exclusive privilege.

- (7) The licensee shall maintain and operate all emission units and air pollution systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions.
- (8) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request.
- (9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for a renewal of a license or amendment shall not stay any condition of the license.
- (10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license.
- (11) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall:
 - (i) perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
 - a. within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions; or
 - b. pursuant to any other requirement of this license to perform stack testing.
 - (ii) install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and
 - (iii) submit a written report to the Department within thirty (30) days from date of test completion.

- (12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:
- (i) within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; and
 - (ii) the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and
 - (iii) the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.
- (13) Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement.
- (14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emission and that is not consistent with the terms and conditions of the air emission license. The licensee shall notify the Department within two (2) days or the next state working day, whichever is later, of such occasions where such changes result in an increase of emissions. The licensee shall report all excess emissions in the units of the applicable emission limitation.
- (15) Upon written request from the Department, the licensee shall establish and maintain such records, make such reports, install, use and maintain such monitoring equipment, sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such a manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status.

SPECIFIC CONDITIONS

(16) Rock Crushers

- A. Soderberg Company, Inc. shall maintain and operate water sprays on the rock crusher at the T11 R4 facility in such a manner as to control visible emissions to no greater than 10% opacity on a 6-minute block average basis. [MEDEP Chapter 115, BACT]
- B. Soderberg Company, Inc. shall maintain a log detailing the maintenance on the water spray nozzles. The maintenance log shall be kept on-site at the rock crushing location. [MEDEP Chapter 115, BACT]
- C. Soderberg Company, Inc. shall maintain a log detailing and quantifying the hours of operation on a daily basis for Crusher #2. The operation log shall be kept on-site at the rock crushing location. [MEDEP Chapter 115, BACT]

(17) Diesel #2

- A. Total annual facility fuel use for the operation of Diesel #2 shall not exceed 15,000 gals/yr. of #2 fuel oil with a maximum sulfur content of 0.05% by weight, based on a 12 month rolling total. Compliance shall be based on fuel receipts from the supplier showing the quantity of fuel delivered and the percent sulfur of the fuel. Fuel use records shall be maintained on a monthly basis, in addition to the 12-month rolling total. [MEDEP Chapter 115, BACT]
- B. Emissions shall not exceed the following:

Equipment		PM	PM₁₀	SO₂	NO_x	CO	VOC
Diesel #2	lb/hr	0.2	0.2	0.06	5.7	1.2	0.5

[MEDEP Chapter 115, BACT]

- C. Visible emissions.

Visible emissions from the diesel stack shall not exceed 20% opacity on a six-minute block average except, for no more than 2 six-minute block averages in a 3-hour period. [MEDEP Chapter 101]

(18) Fugitive Emissions

Visible emissions from potential sources of fugitive particulate matter emissions, including material stockpiles and unpaved roadways, shall not exceed an opacity of 20%, except for no more than 5-minutes in any 1-hour period. Compliance shall be determined by an aggregate of the individual 15-second opacity observations which exceed 20% in any 1-hour. [MEDEP Chapter 101]

(19) Equipment Relocation

- A. Soderberg Company, Inc. shall notify the Bureau of Air Quality, by a written notification at least 48 hours prior to relocation of any equipment carried on this license. The notification shall be sent to the address below or to a Department Regional Office:

Attn: Relocation Notice
Maine DEP
Bureau of Air Quality
17 State House Station
Augusta, ME 04333-0017

The notification shall include the address of the equipment's new location, an identification of the equipment and the license number pertaining to the relocated equipment. Written notice may be sent by mail, facsimile (fax), or e-mail.

- B. Written notification shall also be made to the municipality where the equipment will be relocated, except in the case of an unorganized territory where notification will be made to the respective county commissioners.

- (20) Soderberg Company, Inc. shall notify the Department within 48 hours and submit a report to the Department on a quarterly basis if a malfunction or breakdown in any component causes a violation of any emission standard (38 MRSA §605-C).
- (21) Soderberg Company, Inc. shall pay the annual air emission license fee within 30 days of September 30 of each year. Pursuant to 38 MRSA 353-A, failure to pay this annual fee in the stated timeframe is sufficient grounds for the revocation of the license under 38 MRSA 341-D, Subsection 3.

(22) Soderberg Company, Inc. shall keep a copy of this Order on site, and have the operator(s) be familiar with the terms of this Order.

DONE AND DATED IN AUGUSTA, MAINE THIS DAY OF , 2004.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
DAWN R. GALLAGHER, COMMISSIONER

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

The term of this order shall be for five years from the signature date above.

Date of initial receipt of application: May 24, 2004
Date of application acceptance: May 26, 2004

Date filed with the Board of Environmental Protection: _____.

This Order prepared by, Peter G. Carleton, Bureau of Air Quality